IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5651 OF 2007
AND
WRIT PETITION NO. 5657 OF 2007.

M/s.Garware Marine Industries Ltd. ....Petitioner
V/s
Smt.Chandrakant Brijmohan Saboo & Ors.(W.P.5651/07)
Gobindnarayan Shreegopal Saboo & Ors..(W.P.5657/07).....Respondents.

CORAM: A.P.DESHPANDE, J.
6/8/07

PC:

The petitioner is the original defendant before the Small Causes Court in a suit for eviction and possession. This Court in an earlier round of litigation disposed of writ petition Nos.1113/07 and 1115/07 in consent minutes of order and thus the witness No.1 on behalf of the plaintiff was permitted to be further cross examined and after cross examination of the witness the plaintiff applied before the trial Court seeking permission to examine one more witness. The trial Court permitted examination of the said witness as it found that examination of the said witness is necessary to decide the real dispute in controversy and in the interest of justice. A discretionary order passed by the trial Court does not call for interference as examination of additional witness does not cause any prejudice to the present petitioner having regard to the fact that it shall be open for the petitioner to cross examine the said witness. Perused the order. Same does not call for interference in writ jurisdiction as the order does not suffer from any patent illegality. In the result writ petition is summarily dismissed.

6.8.07